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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,876	08/14/2001	Ronald E. DeLuga	COMP:0264/VANP00-3821	8702

7590 05/28/2003

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EXAMINER

DATSKOVSKIY, MICHAEL V

ART UNIT PAPER NUMBER

2835

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/929,876

Applicant(s)

DELUGA ET AL

Examiner

Michael Datskovsky

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 05/12/2003 have been fully considered but they are not persuasive. By characterizing the cover as being "removably mounted" applicants has not changed a scope of the invention. According to the Merriam Webster's Collegiate Dictionary (Tenth edition): "removably" means: "to be capable of being removed", which is inherently true for the cover 21 of the computer 1 by Seto et al (and generally also for most covers for portable computers). Therefore the previous rejection stays. It is also necessary to point out applicant's attention to the reference by Liao et al (US Patent 6,462,937) applicable for the rejection of the at least claim 1 of the instant application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Seto et al (embodiment shown in Figs.1-7).

Seto et al teach a portable computer (notebook or electronic device) 1, Figs.1-7, comprising: a portable computer housing 2 having a top deck with an opening 35 disposed over a selected components 37, 38; a display 3 coupled to the device housing by hinges 12, the display being movable to a closed position along the top deck; and a

component cover 21 removably mounted over the opening 35, the component cover 21 having tool-less actuation to an open position to permit access to the selected components 37, 38.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 8, 11, 13-15, 19, 22-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto et al (embodiment shown in Figs.1-7) in view of Seto et al (embodiment shown in Figs.8-10).

Seto et al in the embodiment shown in Figs.1-7 teach all the limitation of the claims except said selected components include a network (modem) card connected to a modem card connector, a real time clock battery and a BIOS firmware hub. Seto et al in the embodiment shown in Figs.8-10 teach a portable computer (notebook or electronic device) 1, comprising: a portable computer housing 2 having a top deck with an opening 35 disposed over a selected components 83, 89 and a modem card 90 inherently connected to a modem card connector; a display 3 coupled to the device housing by hinges 12, the display being movable to a closed position along the top deck; and a plastic component cover 21 mounted over the opening 35, the component cover having tool-less actuation to an open position to permit access to the selected components 83, 89 and 90. It would have been obvious to one skilled in the art at the time invention was

made to employ in the embodiment shown by Seto et al in Figs.1-7 a modem card connected to a modem card connector as it is shown by Seto et al in the embodiment in Figs.8-10 or any other type of expandable or upgradeable computer components including a real time clock battery and a BIOS firmware hub in order make them easy accessible. Examiner also direct applicant's attention to the fact that they themselves indicated said network card, a real time clock battery and a BIOS firmware hub as "exemplary" (page 8, line 4 of the specification), have not disclosed that type of the computer components solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any type of the computer components accessible through said opening 35.

6. Claims 5-7, 9-10, 16-18, 20-21, 26-27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seto et al in both embodiments.

Seto et al in both embodiments teach all the limitations of the claims except said component cover comprises at least one tab and at least one flexible catch disposed generally opposite the at least one tab to releasable hold the component cover over the opening. Seto et al teach tabs 62 and flexible catches (latches) 65, but instead of being located on the cover 21 they are located on the housing 4 adjacent to the opening 35. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a computer cover comprising at least one tab and at least one flexible catch disposed generally opposite the at least one tab, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Liao et al (US Patent 6,462,937).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Datskovsky whose telephone number is (703) 306-4535. The examiner can normally be reached on Mn - Fry 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (703) 308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Patent Examiner

Michael Datskovsky

A handwritten signature in cursive script, appearing to read "Michael Datskovsky", written in dark ink.

May 19, 2003